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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

STRIKE 3 HOLDINGS, LLC,  
Plaintiff,

Case Number: 5:21-cv-00760-VKD

Honorable Virginia K. DeMarchi

vs.

JOHN DOE subscriber assigned IP address  
73.162.81.234,  
Defendant.

**PLAINTIFF'S MEMORANDUM OF  
POINTS AND AUTHORITIES IN  
SUPPORT OF MOTION FOR  
DEFAULT JUDGMENT AGAINST  
DEFENDANT**

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**MEMORANDUM OF POINTS AND AUTHORITIES**

Strike 3 Holdings, LLC (“Plaintiff” or “Strike 3”), by and through its counsel of record, and pursuant to Fed. R. Civ. P. 55, hereby submits its Memorandum of Points and Authorities in Support of its Motion for Default Judgment (“Motion”) filed contemporaneously herewith against Emmanuel Andaya (“Defendant”), and in support thereof, states:

**I. INTRODUCTION**

Strike 3 seeks default judgment against Defendant for failure to plead or otherwise defend against Plaintiff’s Complaint (“Complaint”) requesting relief for copyright infringement of Plaintiff’s motion pictures listed by copyright registration number in and attached to the Complaint as Exhibit A. Dkt. 1-1. Defendant, having been properly served with a summons and notified of this litigation, has failed to appear or respond to Plaintiff’s Complaint. As a result, Strike 3 now seeks default judgment by this Court awarding: (1) injunctive relief and whatever other equitable relief this Court deems just and appropriate; (2) statutory damages under the Copyright Act; and (3) such reasonable costs incurred by Plaintiff in this litigation.

**II. BACKGROUND**

Since the subscriber’s identity was initially unknown to Plaintiff, Plaintiff filed a pure bill of discovery in Florida state court requesting the Court’s authorization to serve discovery on the subscriber’s Internet Service Provider (“ISP”). The Court granted this motion and pursuant to the issuance of a third-party subpoena, Defendant’s ISP disclosed the subscriber’s true identity to Plaintiff. *See* Declaration of Lincoln D. Bandlow (“Bandlow Decl.”) filed concurrently herewith. Defendant is not a minor, incompetent person, or in active military service. *Id.* On January 29, 2021, Plaintiff filed its Complaint in this action. Dkt. 1.

Plaintiff served Defendant with a Summons and the Complaint on February 24, 2021. *See* Proof of Service. Dkt. 13. Defendant failed to plead or otherwise defend against Plaintiff’s Complaint. On May 5, 2021, Plaintiff sent a letter to Defendant at the address identified by the ISP informing Defendant of Plaintiff’s intention to move for a default judgment if Defendant did not respond to the Complaint. Defendant did not respond to that letter. Bandlow Decl. On

May 11, 2021, Plaintiff filed and served a request that the Clerk of the Court enter Defendant's default pursuant to Fed. R. Civ. P. 55(a). Dkt. 17. That request was granted and default was entered on May 11, 2021. Dkt. 18.

### **III. DISCUSSION**

#### **A. Jurisdiction and Service of Process**

In considering whether to enter default judgment, a district court must first determine whether it has jurisdiction over the subject matter and the parties to the case. *In re Tuli*, 172 F.3d 707, 712 (9th Cir. 1999) ("When entry of judgment is sought against a party who has failed to plead or otherwise defend, a district court has an affirmative duty to look into its jurisdiction over both the subject matter and the parties."). Here, the Court has jurisdiction as to both. Moreover, service of process was properly effectuated in this matter.

##### **1. Subject Matter Jurisdiction**

This Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1331 (federal question) and 28 U.S.C. § 1338 (jurisdiction over copyright actions).

##### **2. Personal Jurisdiction**

This Court has personal jurisdiction over Defendant because Defendant resides within this District. Indeed, Defendant is an individual residing at 1751 Marco Polo Way, Apartment 8 .Burlingame, California 94010.

##### **3. Service of Process**

Here, service of process was proper. Plaintiff personally served Defendant with a Summons and Complaint on February 24, 2021. *See* Proof of Service. Dkt. 13. Moreover, Defendant is not a minor or an otherwise incompetent person. *Supra*. Because no exemption to personal service applies to this litigation, service under Fed. R. Civ. P. 4(e) was proper.

#### **B. Legal Standard For Default Judgment**

Federal Rule of Civil Procedure 55(b)(2) permits a court, following default by a defendant, to enter default judgment in a case. "The district court's decision whether to enter default judgment is a discretionary one." *Aldabe v. Aldabe*, 616 F.2d 1089, 1092 (9th Cir.

1 1980). In determining whether default judgment is appropriate, the Ninth Circuit has  
 2 enumerated the following factors for the court to consider: (1) the possibility of prejudice to the  
 3 plaintiff; (2) the merits of plaintiff's substantive claim; (3) the sufficiency of the complaint;  
 4 (4) the sum of money at stake in the action; (5) the possibility of dispute concerning material  
 5 facts; (6) whether default was due to excusable neglect; and (7) the strong policy underlying the  
 6 Federal Rules of Civil Procedure favoring decisions on the merits. *Eitel v. McCool*, 782 F.2d  
 7 1470, 1471-72 (9th Cir. 1986) ("*Eitel*"). Where a default judgment is granted, the scope of  
 8 relief is limited by Federal Rule of Civil Procedure 54(c), which states that a "default judgment  
 9 must not differ in kind from, or exceed in amount, what is demanded in the pleadings." Upon  
 10 entry of default, all factual allegations within the complaint are accepted as true, except those  
 11 allegations relating to the amount of damages. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915,  
 12 917-18 (9th Cir. 1987).

### 13 **C. Application to the Case at Bar**

#### 14 **1. Plaintiff Will Suffer Prejudice Absent a Default Judgment**

15 The first *Eitel* factor examines whether Plaintiff would be prejudiced if default judgment  
 16 is not entered. Here, Defendant's infringement of Plaintiff's copyrights has been numerous and  
 17 prolonged. And, "[g]iven the nature of BitTorrent software, [Defendant] may be exacerbating  
 18 [Plaintiff's] injury by seeding the file to the BitTorrent swarm." *LHF Prods., Inc. v. Buenafe*,  
 19 No. 216CV01804JADNJK, 2017 WL 4797523, at \*2 (D. Nev. Oct. 24, 2017) (granting  
 20 plaintiff's motion for default judgment). Absent entry of a default judgment, Plaintiff has no  
 21 other means to stop Defendant's infringement or obtain compensation for violations of  
 22 Plaintiff's copyrights. "If [Plaintiff's] motion for default judgment is not granted, Plaintiffs will  
 23 likely be without other recourse for recovery." *PepsiCo, Inc. v. California Sec. Cans*, 238 F.  
 24 Supp. 2d 1172, 1177 (C.D. Cal. 2002). Accordingly, this factor weighs in Plaintiff's favor.



2. **Plaintiff's Substantive Claim is Meritorious and Plaintiff's Complaint is Sufficient**

“The second and third *Eitel* factors require that a plaintiff's allegations state a claim upon which it can recover.” *Cobbler Nevada, LLC v. Inglesias*, No. 15-CV-05313-EDL, 2016 WL 8453643, at \*2 (N.D. Cal. Dec. 16, 2016), report and recommendation adopted, No. 15-CV-5313 CRB, 2017 WL 878039 (N.D. Cal. Mar. 6, 2017). Plaintiff's allegations in the Complaint support its copyright infringement claim. It is well-settled that “[t]o establish infringement, two elements must be proven: (1) ownership of a valid copyright, and (2) copying of constituent elements of the work that are original.” *Feist Publications, Inc. v. Rural Tel. Serv. Co., Inc.*, 499 U.S. 340, 361, 111 S. Ct. 1282, 1296, 113 L. Ed. 2d 358 (1991). In addition, direct infringement requires the plaintiff to show causation (also referred to as ‘volitional conduct’) by the defendant.” *Perfect 10, Inc. v. Giganews, Inc.*, 847 F.3d 657, 666 (9th Cir. 2017) (citation omitted).

Plaintiff's Complaint alleges that Plaintiff has registered with the Copyright Office all Works in this litigation. *See* Dkt. 1-1. Additionally, Plaintiff alleged that Defendant willfully copied and distributed the constituent elements of Plaintiff's Works using the BitTorrent protocol. *See* Dkt. 1-1. These allegations, supported by Plaintiff's experts, are taken as true where Defendant has failed to respond to them. *See TeleVideo Sys.*, 826 F.2d at 917–18.

This Court has previously accepted similar claims in default judgment actions. Indeed, in *Cobbler Nevada*, where the plaintiff made similar allegations as the instant Plaintiff, the Court held that the rightsholder had made its prima facie case for copyright infringement over the BitTorrent network. *Cobbler Nevada, LLC v. Inglesias*, No. 15-CV-05313-EDL, 2016 WL 8453643, at \*2 (N.D. Cal. Dec. 16, 2016), report and recommendation adopted, No. 15-CV-5313 CRB, 2017 WL 878039 (N.D. Cal. Mar. 6, 2017). As such, Plaintiff's substantive claim is meritorious and Plaintiff's complaint is sufficient. Therefore, these factors weigh in favor of default judgment.

1                   **3.       Plaintiff's Request for Monetary Relief is Reasonable and**  
 2                   **Appropriate**

3               Next, the Court must consider the amount Plaintiff is requesting in monetary damages.  
 4 Pursuant to 17 U.S.C. § 504, a copyright owner may elect to recover an award of statutory  
 5 damages in an amount “not less than \$750 or more than \$30,000 as the court considers just.”  
 6 *Id.* Moreover, “[i]n a case where the copyright owner sustains the burden of proving, and the  
 7 court finds, that infringement was committed willfully, the court in its discretion may increase  
 8 the award of statutory damages to a sum of not more than \$150,000.” Plaintiff’s Complaint  
 9 seeks statutory damages under the Copyright Act’s statutory damages provision, and the amount  
 10 at issue therefore consists of discretionary awards bounded by statutory minimums and  
 11 maximums.” *Pearson Educ., Inc. v. Wong*, No. CV 09-1889 SC, 2010 WL 476685, at \*6 (N.D.  
 12 Cal. Feb. 3, 2010) (citing 17 U.S.C. § 504(c)). “The discretionary nature of the amount at issue  
 13 favors default judgment.” *Id.* (citing *Elektra Entm't Group, Inc. v. Crawford*, 226 F.R.D. 388,  
 14 393 (C.D. Cal. 2005)).

15               Courts routinely hold that an award of minimum statutory damages is reasonable and  
 16 appropriate. *UMG Recordings, Inc. v. Sanchez*, No. C 06-03457JSW, 2007 WL 485955, at \*2  
 17 (N.D. Cal. Feb. 12, 2007) (“Because plaintiffs seek only the minimum statutory damages  
 18 available under the statute, the request is ascertainable and reasonable.”); *Elektra Entm't Grp.,*  
 19 *Inc. v. Keys*, No. C 006-2047 SBA, 2007 WL 81912, at \*2 (N.D. Cal. Jan. 9, 2007) (same);  
 20 *Criminal Prods., Inc. v. Gunderman*, No. C16-1177-RAJ, 2017 WL 3297518, at \*4 (W.D.  
 21 Wash. Aug. 1, 2017) (“[T]he Court remains convinced that the statutory minimum of \$750 is  
 22 the appropriate award in this case as to each Defendant.”); *Priority Records LLC v. Rodriguez*,  
 23 No. CVF060484AWILJO, 2007 WL 120033, at \*3 (E.D. Cal. Jan. 11, 2007), report and  
 24 recommendation adopted, No. CV F 06-0484AWILJO, 2007 WL 416093 (E.D. Cal. Feb. 5,  
 25 2007) (“As plaintiffs seek minimum statutory damages [...], their statutory damages request is  
 26 reasonable and proper.”). “Here, [Plaintiff] [is] seeking only the minimum statutory damages.  
 27 Accordingly, [Plaintiff’s] request for statutory damages is reasonable and appropriate in this  
 28

case.” *LaFace Records v. Khan*, No. C 08-1043 PJH (JL), 2008 WL 11395481, at \*3 (N.D. Cal. Nov. 19, 2008), report and recommendation adopted sub nom. *Laface Records, LLC v. Khan*, No. C 08-1043 PJH, 2008 WL 11395482 (N.D. Cal. Dec. 5, 2008).

**4. The Material Facts of this Litigation are Established**

The fifth *Eitel* factor considers the possibility that material facts are disputed. “Upon entry of default, all well-pleaded facts in the complaint are taken as true, except those relating to damages.” *Minx Int’l, Inc. v. Rue 21 Inc.*, No. 215CV05645CASPLAX, 2017 WL 2961546, at \*4 (C.D. Cal. July 10, 2017), *quoting PepsiCo*, 238 F. Supp. 2d at 1177. “As explained above, plaintiff has adequately pleaded its claim for copyright infringement. Defendant has failed to appear. Thus, the Court accepts the allegations as true. Because [Plaintiff’s] factual allegations are presumed true, no factual disputes exist that would preclude the entry of default judgment.” *Minx Int’l, Inc. v. Rue 21 Inc.*, No. 215CV05645CASPLAX, 2017 WL 2961546, at \*4 (C.D. Cal. July 10, 2017); *Elektra Entm’t Grp. Inc. v. Crawford*, 226 F.R.D. 388, 393 (C.D. Cal. 2005) (“Because all allegations in a well-pleaded complaint are taken as true after the court clerk enters default judgment, there is no likelihood that any genuine issue of material fact exists.”); *See Adobe Sys. Inc.*, No CV. 5:14-02140-RMW, 2016 WL 4728119 at \*5 (“There is no genuine issue of material fact because the allegations in the complaint are taken as true.”). Because the well-pleaded Complaint makes a claim for copyright infringement, and since the allegations in the Complaint are substantiated, this factor favors default judgment.

**5. Defendant’s Failure to Defend Is Not the Result of Excusable Neglect**

The sixth *Eitel* factor considers the possibility that default resulted from excusable neglect. Here, nothing on the record supports a finding that Defendant’s default resulted from excusable neglect. Defendant was personally served with a summons and the Complaint on February 24, 2021. Dkt. 13. Defendant was sent a letter to the same address where he was served informing him of an intention to pursue default if he did not respond to the Complaint. Bandlow Decl. Finally, the Clerk entered default on May 11, 2021. Dkt. 18. Still, Defendant failed to appear or respond. “In such circumstances, default cannot be attributed to excusable

neglect.” *Id.* (citing *Shanghai Automation Instrument Co. v. Kuei*, 194 F. Supp. 2d 995, 1005 (N.D. Cal. 2001)). Indeed, when a Defendant has more than enough time to respond and fails to file an answer or appear in the action, it becomes apparent that he is deliberately choosing to not answer. *See Hearst Holdings, Inc. v. Kim*, No. CV074642GAFJWJX, 2008 WL 11336137, at \*5 (C.D. Cal. Aug. 17, 2008). Accordingly, this factor favors default judgment.

**6. The Policy of Adjudication on the Merits Does Not Foreclose The Entry Of A Default Judgment**

“While it is preferable to decide cases on the merits whenever possible, this preference is not dispositive. Where a party fails to defend against a complaint, as [Defendant] has failed here, Rule 55 authorizes the Court to enter default judgment.” *Pearson Educ., Inc. v. Wong*, No. 09-1889 SC, 2010 WL 476685, at \*6 (N.D. Cal. Feb. 3, 2010). Here, “[b]ecause [Defendant] has failed to respond to anything at all in this action, it is not possible to decide this case on its merits, so this factor, too, weighs in favor of default judgment.” *LHF Prods., Inc. v. Buenafe*, No. 216CV01804JADNJK, 2017 WL 4797523, at \*5 (D. Nev. Oct. 24, 2017). Plaintiff has performed its duties diligently and in a timely manner. Despite this policy of adjudication on the merits, Defendant’s unresponsive posture tips the scales in favor default judgment.

Since all of the *Eitel* factors weigh in favor of Plaintiff’s request, Plaintiff respectfully request that the Court enter a Default Judgment against Defendant.

**D. Relief Sought**

**1. Damages**

In this matter, Plaintiff seeks the minimum statutory damages for each work infringed. Since Defendant has infringed on 35 of Plaintiff’s copyrights, this amounts to \$26,250 (35 x \$750). It is well-established that under the Copyright Act, “awards of statutory damages serve both compensatory and punitive purposes . . . .” *Sanrio, Inc. v. Jay Yoon*, No. CV 5:10-05930 EJD, 2012 WL 610451, at \*4–5 (N.D. Cal. Feb. 24, 2012) (quoting *L.A. News Serv. v. Reuters Television Intern., Ltd.*, 149 F.3d 987, 996 (9th Cir. 1998)). In particular, “[s]tatutory damages are particularly appropriate in a case . . . in which defendant has failed to mount any defense or

1 to participate in discovery, thereby increasing the difficulty of ascertaining plaintiff's actual  
 2 damages.” *Jackson v. Sturkie*, 255 F.Supp.2d 1096, 1101 (N.D. Cal. 2003). The Copyright Act  
 3 states that, “an infringer of copyright is liable for . . . statutory damages, as provided by  
 4 subsection (c).” 17 U.S.C. § 504(a)(2). Subsection (c) goes on to state that Plaintiff may  
 5 recover “with respect to any one work, for which any one infringer is liable individually, [. . .]  
 6 in a sum of not less than \$750 or more than \$30,000” and, if that “infringement was committed  
 7 willfully, the court in its discretion may increase the award of statutory damages to a sum of not  
 8 more than \$150,000.” *Id.* §§ 504(c)(1)–(2).

9 Regarding allegations of willfulness, they are “deemed to be true on default.” *Cobbler*  
 10 *Nevada*, No. CV 15-05313-EDL, 2016 WL 8453643 at \*4 (citing *Derek Andrew, Inc. v. Poof*  
 11 *Apparel Corp.*, 528 F.3d 696, 702 (9th Cir. 2008)). When it is alleged that a defendant willfully  
 12 infringed a copyrighted work, “the Court must take these allegations as true.” *Cobbler Nevada*,  
 13 *LLC*, 2016 WL 8453643, at \*4. “[A]vailable statutory damages range from \$750 to \$150,000.”  
 14 *Cobbler Nevada*, No. CV 15-05313-EDL, 2016 WL 8453643 at \*4. In this case, despite the  
 15 fact that it would be entirely appropriate for Plaintiff to seek a high statutory damages amount  
 16 based on the Defendant’s willful infringement, Plaintiff is only requesting the minimum  
 17 statutory amount permitted under the Copyright Act - \$750 for each work infringed – which  
 18 amounts to \$26,250 (35 x \$750).<sup>1</sup> Thus, the recovery sought has been reduced to the absolute  
 19 minimum and is reasonable.

## 20 **2. Permanent Injunctive Relief is Warranted**

21 The Copyright Act authorizes courts to issues permanent injunctions to “prevent or  
 22 restrain infringement of a copyright.” 17 U.S.C. § 502(a). A plaintiff seeking a permanent  
 23 injunction “must demonstrate: (1) that it has suffered an irreparable injury; (2) that remedies  
 24 available at law, such as monetary damages, are inadequate to compensate for that injury;  
 25 (3) that, considering the balance of hardships between plaintiff and defendant, a remedy in

26  
 27 <sup>1</sup> Since Plaintiff only seeks minimum statutory damages, no evidentiary hearing is necessary.  
 28 *Sony Music Entm’t Inc. v. Elias*, No. CV03-6387DT(RCX), 2004 WL 141959, at \*4 (C.D. Cal.  
 Jan. 20, 2004) (“Since Plaintiffs seek only minimum statutory damages which are ascertainable  
 from the Complaint, no evidentiary hearing is necessary.”)

1 equity is warranted; and (4) that the public interest would not be disserved by a permanent  
2 injunction.” *eBay, Inc. v. MercExchange, LLC*, 547 U.S. 388, 391, 126 S.Ct. 1837, 164 L.Ed.2d  
3 641 (2006). “As in numerous other BitTorrent cases . . . the four elements are established here.”  
4 *Dallas Buyers Club, LLC v. Bui*, No. CV 14-1926-RAJ, 2016 WL 1242089, at \*3 (W.D. Wash.  
5 Mar. 30, 2016) (citation omitted).

6 First, Plaintiff has suffered irreparable harm. Not only has Defendant downloaded  
7 Plaintiff’s works, Defendant has also distributed the works *globally* through the BitTorrent  
8 network. And, due to the nature of BitTorrent, tracing the extent and magnitude of the damage  
9 is impossible. There is also no way for Plaintiff to know with whom specifically Defendant  
10 continues to distribute Plaintiff’s copyrighted motion pictures, which limits Plaintiff’s scope of  
11 liability to just the individual Defendant. *Cf. Microsoft Corp. v. Big Boy Distribution LLC*, 589  
12 F.Supp.2d 1308, 1321 (S.D. Fla. 2008) (“Generally, a showing of copyright infringement  
13 liability and threat of future violations is sufficient to warrant entry of a permanent  
14 injunction.”). To that end, monetary relief is inadequate because the scope of the damage is so  
15 far-reaching and is ongoing. Indeed, no amount of money can compensate Plaintiff for the  
16 ongoing worldwide distribution of its copyrighted works through the BitTorrent swarms that  
17 Defendant joined. *See Cobbler Nevada*, No. CV 15-05313-EDL, 2016 WL 8453643 at \*4  
18 (citation omitted) (“Defendant’s failure to respond to the suit, alongside Plaintiff’s pleadings,  
19 suggests that Defendant’s infringing activities will not cease absent judicial intervention”).

20 Defendant will also not suffer a hardship if this permanent injunction is entered against  
21 him. Plaintiff’s injunction seeks to stop Defendant from continuing to download and distribute  
22 Plaintiff’s Works. Since Defendant *never* had permission or a right to do this, he suffers no  
23 hardship by entry of a permanent injunction. The injunction does not prohibit Defendant from  
24 obtaining access to expressive works – it simply requires Defendant to do so lawfully. On the  
25 other hand, Plaintiff’s hardship absent an injunction is significant. Specifically, Plaintiff risks  
26 having more of its motion pictures distributed over the BitTorrent network wherein additional  
27 peers download and distribute Plaintiff’s motion pictures to additional peers who subsequently  
28

1 join the swarms. *See ME2 Prods., Inc. v. Pagaduan*, No. CV 17-00130 SOM-KJM, 2017 WL  
 2 8786920, at \*5 (D. Haw. Dec. 29, 2017), *report and recommendation adopted as modified*, No.  
 3 CV 17-000130 SOM/KJM, 2018 WL 1069463 (D. Haw. Feb. 27, 2018) (“[W]ithout an  
 4 injunction, Defendant will likely be the source for others to repeatedly download the Works.”).

5 Finally, the public interest would not be disserved by a permanent injunction because  
 6 Plaintiff’s Congressional right to have and enforce its copyrights far outweighs Defendant’s  
 7 illegal acts. *See e.g., Metro-Goldwyn-Mayer Studios, Inc. v. Grokster, Ltd.*, 518 F. Supp. 2d  
 8 1197, 1222 (C.D. Cal. 2007) (citation omitted) (“The public interest in receiving copyrighted  
 9 content for free is outweighed by the need to incentivize the creation of original works.”); *UMG*  
 10 *Recordings, Inc. v. Blake*, No. CV 5:06-00120-BR, 2007 WL 1853956, at \*3 (E.D.N.C. June 26,  
 11 2007) (“[T]here is a substantial public interest in preserving a copyright holder’s exclusive  
 12 rights and no public interest will be disserved by enjoining Defendant from continuing this  
 13 activity.”). Accordingly, all the foregoing factors make a permanent injunction against  
 14 Defendant appropriate and warranted.

### 15 3. Attorney’s Fees

16 Despite it being expressly allowed under the Copyright Act, Plaintiff is not seeking its  
 17 attorney fees in this case.

### 18 4. Costs

19 Under the Copyright Act, “the court in its discretion may allow the recovery of full costs  
 20 by or against any party[.]” 17 U.S.C.A. § 505. The filing fee and service of process fee are  
 21 reconsidered reasonable costs in court cases. *Nat’l Photo Grp., LLC v. Pier Corp.*, No.  
 22 SACV131165DOCJPRX, 2014 WL 12576641, at \*5 (C.D. Cal. Mar. 10, 2014) (holding that  
 23 \$400 for the filing fee and \$65 for service of process is a reasonable cost). Here, Plaintiff seeks  
 24 to recover only its filing fee in the amount of \$400.00 and the cost of 258.97 for service of  
 25 process. As such, these costs are reasonable and should be awarded.



1 **IV. CONCLUSION**

2 Based on the foregoing, Plaintiff respectfully requests that the Court enter a default  
3 judgment in favor of Plaintiff and against Defendant, in the form of the Proposed Default  
4 Judgment and Permanent Injunction attached hereto.

5 Dated: June 10, 2021.

Respectfully submitted,

6 By: /s/ Lincoln D. Bandlow  
7 Lincoln D. Bandlow, Esq.  
8 Law Offices of Lincoln Bandlow, PC  
9 *Attorney for Plaintiff*  
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